

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
CBI CAPITAL LLC,

Plaintiff-Counterclaim Defendant,

-against-

MIKE MULLEN and MIKE MULLEN ENERGY EQUIPMENT RESOURCE, INC.,

Defendants-Counterclaim Plaintiffs

MIKE MULLEN ENERGY EQUIPMENT RESOURCE, INC.,

Third-Party Plaintiff,

-against-

EVAN CLAAR,

Third-Party Defendant

ANALISA TORRES, District Judge:

The Court having reviewed Plaintiff CBI Capital LLC's letter dated October 13, 2020, ECF No. 111, by **October 27, 2020**, Defendant Mike Mullen Energy Equipment Resource, Inc. shall file a letter indicating that it has obtained counsel, and its opposition to Defendant's motion for summary judgment.

Defendant has already flouted two orders from this Court inquiring about the status of Defendant's new counsel. See ECF Nos. 102, 109. Defendant also failed to comply with the Court's order directing Defendant to file its opposition to Plaintiff's motion for summary judgment by October 9, 2020. ECF No. 100. Therefore, the Court will direct Plaintiff to move for a default judgment if Defendant fails to respond by this date.

In addition, Plaintiff shall mail a copy of its letter dated October 13, 2020, ECF No. 111, along with this order, to Defendant via Federal Express at its business address and at the primary residence of the principal, Mike Mullen.

SO ORDERED.

Dated: October 20, 2020  
New York, New York

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 10/20/2020

19 Civ. 5219 (AT)

**ORDER**

  
ANALISA TORRES  
United States District Judge